



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Marc D. Better et al.

Serial No.: 10/717,243

Filed: November 18, 2003

For: IMMUNOTOXINS COMPRISING  
RIBOSOME-INACTIVATING PROTEINS

Group Art Unit: 1644

Examiner: Huynh, Phuong N.

Atty. Dkt. No.: CLFR:263USC6

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CERTIFICATE OF MAILING  
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MS AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

December 1, 2005

Date

David L. Parker

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

**MS AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

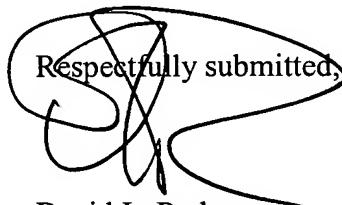
In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Supplemental Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

In accordance with 37 C.F.R. §§ 1.97(g), (h), this Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

This application is a continuation application of Serial No. 6,146,631, filed November 14, 2000 and is relied upon for an earlier filing date under 35 U.S.C. § 120. In accordance with Rule 37 C.F.R. § 1.98(d) only copies of those documents not previously cited and submitted to the Patent and Trademark Office in prior application Serial No. 6,146,631 are enclosed for the convenience of the Examiner.

A fee as set forth in 37 C.F.R. § 1.17(p) in the amount of \$180.00 is enclosed. If an appropriate check has not been enclosed, or if it is insufficient, the Commissioner is authorized to deduct the appropriate fee from Fulbright & Jaworski Account No.: 50-1212/CLFR:263USC6.

Applicants respectfully request that the listed documents be made of record in the present case.



Respectfully submitted,

David L. Parker  
Reg. No. 32,165  
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 474-5201

Date: December 1, 2005

Form PTO-1449 (modified)

DE-06-2003

List of Patents and Publications for Applicant's

## INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Atty. Docket No.  
CLFR:263USC6Serial No.  
10/717,243Applicant  
Marc D. Better et al.Filing Date:  
November 18, 2003Group:  
1644

## U.S. Patent Documents

See Page 1

## Foreign Patent Documents

See Page 1

## Other Art

See Page 1

## U.S. Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date of App.
	A1	07/787,567	11/4/91	Better	435	252.33	
	A2	2002/0168370	11/14/02	McDonald et al.	424	178.1	2/22/01
	A3	5,101,025	3/31/92	Piatak, Jr. et al.	536	27	9/7/89
	A4	5,376,546	12/27/94	Bernhard	435	199	6/19/92
	A5	5,416,202	5/16/95	Bernhard	536	023.2	12/9/92
	A6	5,621,083	4/15/97	Better et al.	530	391.9	4/18/95
	A7	5,624,827	4/29/97	Rosenblum et al.	435	91.5	10/21/94
	A8	5,837,491	11/17/98	Better et al.	435	69.1	5/13/94
	A9	6,146,850	11/14/00	Better et al.	435	69.1	8/18/98
	A10	RE37,462	12/4/01	Rosenblum et al.	530	370	5/20/99

## Foreign Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Country	Class	Sub Class	Translation Yes/No
	B1	EP 0 439 954	8/7/91	Europe			
	B2	WO 93/09130	5/13/93	WIPO			

## Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C1	Colombatti et al., "Selective killing of target cells by antibody-ricin a chain or antibody-gelonin hybrid molecules: comparison of cytotoxic potency and use in immunoselection procedures," <i>J of Immunology</i> , 131:3091-3095, 1983.
	C2	Declaration of Michael G. Rosenblum, Ph.D.

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EXAMINER:

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EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.

Form PTO-1449 (modified)		Atty. Docket No. CLFR:263USC6	Serial No. 10/717,243
List of Patents and Publications for Applicant's INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)		Applicant Marc D. Better et al.	
		Filing Date: November 18, 2003	Group: 1644
U.S. Patent Documents <i>See Page 1</i>	Foreign Patent Documents <i>See Page 1</i>	Other Art <i>See Page 1</i>	

### Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C3	Gekeler <i>et al.</i> , "Mdr1/P-glycoprotein gene segments analyzed from various human leukemic cell lines exhibiting different multidrug resistance profiles," <i>Biochem Biophys Res Commun</i> , 15:796-802, 1990.
	C4	Hertler <i>et al.</i> , "Immunotoxins: A clinical review of their use in the treatment of malignancies," <i>J of Clinical Oncology</i> , 17:1932-1942, 1989.
	C5	Lindbladh <i>et al.</i> , "Characterization of a recombinant bifunctional enzyme, galactose dehydrogenase/bacterial luciferase, displaying an improved bioluminescence in a three-enzyme system," <i>Eur. J. Biochem</i> , 204:241-247, 1992.
	C6	Lindbladh <i>et al.</i> , "Standard Calibration proteins for western blotting obtained by genetically prepared protein a conjugates," <i>Analytical Biochemistry</i> , 197:187-190, 1991.
	C7	Lindbladh <i>et al.</i> , "The design of a simple competitive elisa using human proinsulin-alkaline phosphatase conjugates prepared by gene fusion," <i>Biochemical and Biophysical Research Communications</i> , 149, 607-614, 1987.
	C8	Lindbladh <i>et al.</i> , "Use of genetically prepared enzyme conjugates in enzyme immunoassay," <i>TIBS</i> , 18:279-283, 1993.
	C9	MacLachlan <i>et al.</i> , "Binding of a calcium sensitizer, bepridil, to cardiac troponin C," <i>J of Biological Chemistry</i> , 265:9764-9770, 1990.
	C10	O'Hare <i>et al.</i> , "Cytotoxicity of a recombinant ricin-A-Chain Fusion protein Containing a proteolytically-cleavable spacer sequence," <i>FEBS LETT</i> 273:200-204, 1990.
	C11	Ready <i>et al.</i> , "Ricin-like plant toxins are evolutionarily related to single-chain ribosome-inhibiting proteins from phytolacca," <i>J of Biological Chemistry</i> , 259:15252-15256, 1984.
	C12	Sharma et al, "Metal affinity chromatography or recombinant HIV-1 reverse transcriptase containing a human renin cleavable metal binding domain," <i>Biotechnol App Biochem</i> , 14:69-81, 1991.
	C13	Sivam <i>et al.</i> , "Immunotoxins to a human melanoma-associated antigen: comparison of gelonin with ricin and other a chain conjugates," <i>Cancer Research</i> , 47:3169-3173, 1987.
	C14	Stirpe <i>et al.</i> , "Gelonin, a new inhibitor of protein synthesis, nontoxic to intact cells," <i>J. of Biological Chemistry</i> , 255:6947-6953, 1980.
	C15	Wiels <i>et al.</i> , "38.13 a monoclonal antibody directed against a burkitt's lymphoma-associated antigen and its use as carrier for toxins," 457-464,

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U.S. Patent Documents <i>See Page 1</i>	Foreign Patent Documents <i>See Page 1</i>	Other Art <i>See Page 1</i>	

### Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C16	Witt <i>et al.</i> , "A new protein conjugate that replaces the sue of secondary antibodies engineered from the two staphylococcal enzymes protein A and 6-phospho- $\beta$ -galactosidase," <i>Protein Engineering</i> , 5:267-271, 1992.
	C17	Yeh <i>et al.</i> , "Design of yeast-secreted albumin derivatives for human therapy: biological and antiviral properties of a serum albumin-CD4 genetic conjugate," <i>PNAS USA</i> , 89:1904-1908, 1992.

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